

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PA ADVISORS, LLC,
Plaintiff,

v.

GOOGLE INC., et al.,

Defendants.

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Civil Action No. 2:07-cv-480-RRR

JURY TRIAL DEMANDED

REQUEST FOR HEARING ON MOTIONS FOR SUMMARY JUDGMENT

Plaintiff nXn Tech, LLC (f/k/a PA Advisors, LLC) (“nXn”) requests oral argument on: (1) Defendants Google, Inc. (“Google”) and Yahoo! Inc. (“Yahoo”)’s pending Motions for Summary Judgment of Non-Infringement (Docket Nos. 386 and 390); (2) Google and Yahoo’s Motions for Summary Judgment of Non-Infringement Based on Divided Infringement (Docket Nos. 355 and 356); and, (3) should the Court grant nXn leave to file it, nXn’s Motions for Summary Judgment of Validity Based on 35 U.S.C. § 102 (attachment to Docket No. 395).¹

Oral argument would be helpful to the Court in deciding the Motions for Summary Judgment, which involve important and complex issues of law and fact. Briefing on the Motions for Summary Judgment of Non-Infringement Based on Divided Infringement has been completed, and briefing on the Motions for Summary Judgment of Non-Infringement will be completed February 16, 2010. If leave is granted to file it, briefing on nXn’s Motion for Summary Judgment of Validity Based on 35 U.S.C. § 102 could be completed before the March 1, 2010 Pre-Trial

¹ It is nXn’s understanding that defendants oppose this Request at least in part, but defendants have not responded to nXn’s request that they specify their opposition. See the attached Certificate of Conference.

Conference. Therefore, if the Court believes argument would be helpful to the pending motions for summary judgment, nXn suggests that it not be delayed beyond March 1, 2010.

Dated: February 10, 2010

Respectfully submitted,

By: /s/ Adam Hoffman

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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Adam Hoffman
Adam Hoffman

CERTIFICATE OF CONFERENCE

It is nXn's understanding that this Request is at least partially opposed. On February 8, 2010, counsel for nXn informed counsel for defendants that nXn would request a hearing on the pending motions for summary judgment, and asked whether defendants would join or oppose. On February 9, 2010, Counsel for Google replied that defendants would not join but would not oppose the request if it included the statement: "If the Court believes argument would be helpful to the pending motions for summary judgment, the parties suggest that it not be delayed beyond March 1." nXn included this statement in a draft request sent to defendants (and includes the requested language in the current draft), but counsel for Google then stated that defendants could not "agree" to the request as drafted, and would provide further comments on February 10, 2010. I requested that defendants state whether they opposed the request in whole or in part, but received no reply as of 6:45 pm CST on February 10, 2010.

/s/ Adam Hoffman
Adam Hoffman